

VZCZCXYZ0000  
OO RUEHWEB

DE RUEHC #0495 1622122  
ZNR UUUUU ZZH  
O 112057Z JUN 09  
FM SECSTATE WASHDC  
TO AMEMBASSY MANAMA IMMEDIATE 0000

UNCLAS STATE 060495

SIPDIS

E.O. 12958: N/A  
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [BA](#)  
SUBJECT: BHARAIN -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. STATE 59732  
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Bahrain of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Bahrain and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Bahrain of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Bahrain,s country narrative in the 2009 TIP Report:

-----  
BAHRAIN (Tier 2 Watch List)  
-----

Bahrain is a destination country for men and women trafficked for the purposes of forced labor and commercial sexual exploitation. Men and women from India, Pakistan, Nepal, Sri Lanka, Bangladesh, Indonesia, Thailand, the Philippines, Ethiopia, and Eritrea migrate voluntarily to Bahrain to work as formal sector laborers or domestic workers. Some, however, face conditions of involuntary servitude after arriving in Bahrain, such as unlawful withholding of passports, restrictions on movement, non-payment of wages, threats, and physical or sexual abuse. In addition, women from Thailand, the Philippines, China, Vietnam, Russia, Ukraine, Morocco, Jordan, Syria, and Lebanon are trafficked to Bahrain for the purpose of commercial sexual exploitation.

The Government of Bahrain does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government achieved its first trafficking conviction in late 2008 ) a conviction for sex trafficking -- and instituted a new visa regime in July 2008 allowing migrant workers to change employers. Despite these significant overall efforts, the government did not show evidence of progress in providing protective services to victims or prosecuting offenses relating to labor trafficking ) the most prevalent form of trafficking in Bahrain; therefore, Bahrain is placed on Tier 2 Watch List.

Recommendations for Bahrain: Significantly increase the investigation and prosecution of trafficking offenses ) particularly those involving forced labor ) and conviction and punishment of trafficking offenders; institute and apply formal procedures to identify victims of trafficking among vulnerable groups, such as domestic workers who have fled from abusive employers and prostituted women, and refer identified victims to protective services; and ensure that victims of trafficking are not punished for acts committed as a direct result of being trafficked, such as illegal migration or prostitution.

Prosecution  
-----

The Government of Bahrain made modest progress in conducting anti-trafficking law enforcement efforts during the year, prosecuting its first case under its January 2008 anti-trafficking statute. The Law to Combat Trafficking in Persons prohibits all forms of trafficking in persons and prescribes penalties ranging from three to 15 years, imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. The Ministry of Interior,s 10-person specialized unit investigated trafficking crimes, particularly those involving sex trafficking. It claimed to have disbanded a prostitution ring and rescued 43 Chinese women believed to be trafficking victims, but prosecutors reportedly viewed the evidence as insufficient to pursue legal action. In December 2008, the Public Prosecutor obtained the conviction of a Thai woman who was sentenced to three and a half years, imprisonment and a \$13,250 fine for

trafficking three other Thai women into commercial sexual exploitation in Bahrain. During the reporting period, the government reportedly closed several manpower agencies alleged to have confiscated workers, passports, switched contracts, or withheld payment of salaries. The government also ordered 12 employers to pay back and release their workers. It did not criminally prosecute any employers or labor agents for forced labor of migrant laborers, including domestic workers, under its new anti-trafficking law. The law against withholding workers, passports ) a common practice that restricts the mobility of migrant workers and contributes to forced labor ) was not enforced effectively, and the practice remained widespread. The Royal Police Academy provided new police recruits with specific instruction on identifying trafficking victims during the reporting period.

#### Protection

-----  
The Bahraini government did little to improve protective services available to trafficking victims over the last year, though it issued new policy guidance on the employment conditions of migrant workers. The government maintains one floor of its shelter for female migrant workers, but did not provide information regarding the number of foreign workers assisted or the types of care the shelter provided to trafficking victims. The majority of victims continued to seek shelter at their embassies or through the Migrant Workers Protection Society, which in April and July 2008 received a project grant of \$15,900 from the Bahraini government to operate its shelter. The government did not have a referral process to transfer trafficking victims detained, arrested, or placed in protective custody to institutions that provide short- and long-term care. There are no shelter facilities or protective services for male trafficking victims in Bahrain.

In August 2008, the Ministry of Social Development established a committee to protect trafficking victims as part of its obligation under the anti-Trafficking in Persons law. One of the responsibilities of this committee, as part of the new law, is its approval for trafficking victims to remain in Bahrain pending their traffickers, prosecution; in the aforementioned case, the Thai victims were offered the option of remaining in Bahrain to work, but all three chose to repatriate to Thailand instead. To address vulnerabilities to trafficking arising from the migrant labor sponsorship system, the government launched a new migrant labor visa regime in July 2008 that allows for workers to change employers and criminalizes the use of &free visas8 that often leave workers stranded in Bahrain without a job. These regulations do not, however, apply to domestic workers, which are the migrant workers most vulnerable to forced labor in Bahrain. The government continued to lack a formal procedure to identify victims among vulnerable groups, such as domestic workers who have left their employers or women arrested for prostitution. As a result, potential trafficking victims may have been charged with employment or immigration violations, detained, and deported without adequate protection. Most migrant workers who were able to flee their abusive employers were frequently charged as &runaways,8 sentenced to two weeks, detention, and deported. Employers also sometimes filed police reports against their runaway workers. The government encouraged victims to assist in the investigation and prosecution of their traffickers; however, long and indefinite delays in legal cases, as well as a perceived bias against foreign workers by judges and prosecutors, discouraged workers from such involvement in criminal proceedings against their traffickers.

#### Prevention

-----  
The government's efforts to prevent trafficking increased during the reporting period. The Ministry of Interior,s Human Trafficking Unit produced a brochure describing Bahrain,s anti-trafficking law and soliciting complaints to its hotline for investigations; it distributed this brochure

to at-risk groups upon arrival in the country. The Labor Market Regulatory Authority (LMRA) collaborated with IOM to produce a pamphlet explaining how to legally obtain a work visa, workers, rights, and how to report suspected violations. Throughout 2008, the CEO of LMRA and the Minister of Labor conducted press conferences to highlight illegal practices, particularly withholding of passports, relating to human trafficking. Despite the increased level of awareness fostered by these campaigns, understanding of what constitutes trafficking remained low. Many people, including courthouse clerks, continued to believe that it is legal to confiscate workers, passports, despite several instances over the course of the reporting period in which the Minister of Labor explicitly stated that withholding passports is illegal. In March 2009, the government hosted a two-day international conference on combating trafficking in persons. In April, June, and July 2008, the government provided services and support valued at more than \$60,000 that enabled IOM to train 315 civil society volunteers, journalists, foreign diplomats, and government officials in the LMRA and Ministries of Interior, Social Development, Culture and Information Affairs, Foreign Affairs, Labor, and Justice. In July, the government requested and supported a training and awareness program for its anti-trafficking unit. Nonetheless, the government did not take any steps to reduce the demand for forced labor or the demand for commercial sex acts within the country.

-----

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the

Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web

page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau,s EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Bahrain placed on Tier 2 Watch List?

A: Bahrain was place on Tier 2 Watch List because it did not show evidence of progress in prosecuting human trafficking offenses and punishing trafficking offenders over the last year. Bahrain lacked in providing protective services to victims and specifically prosecuting offenses relating to labor trafficking ) the most prevalent form of trafficking in Bahrain. The government continued to lack a formal procedure to identify victims among vulnerable groups, such as domestic workers who have left their employers or women arrested for prostitution. As a result, potential trafficking victims were often charged with employment or immigration violations, detained, and deported without adequate protection

Q2: What anti-trafficking progress has Bahrain made during the last year?

A: The government achieved its first trafficking conviction in late 2008 ) a conviction for sex trafficking -- and instituted a new visa regime in July 2008 allowing migrant workers to change employers. During the reporting period, the government reportedly closed several manpower agencies alleged to have confiscated workers, passports, switched contracts, or withheld payment of salaries. The Royal Police Academy provided new police recruits with specific instruction on identifying trafficking victims during the reporting period. To address vulnerabilities to trafficking arising from the migrant labor sponsorship system, the government launched a new migrant labor visa regime in July 2008 that allows for workers to change employers and criminalizes the use of &free visas8 that often leave workers stranded in Bahrain without a job.

Q3: What can Bahrain do to improve its efforts in addressing trafficking in persons?

A: The Bahraini government could: Significantly increase the investigation and prosecution of trafficking offenses ) particularly those involving forced labor ) and conviction and punishment of trafficking offenders; institute and apply formal procedures to identify victims of trafficking among vulnerable groups, such as domestic servants who have fled their employers and prostituted women, and refer them to protective services; and ensure that victims of trafficking are not punished for acts committed as a result of being trafficked, such as illegal migration or prostitution.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON